

**Foxborough Planning Board
Meeting Minutes
February 27, 2014
Boyden Library**

Members Present: Kevin Weinfeld, Gordon Greene, Ron Bressé, John Rhoads, Associate Gary Whitehouse

Members Absent: William Grieder

Also Present: Planner Sharon Wason

7:10 p.m. Action Items

Form A - Ridge Road

Nancy Whitehouse

Richard Leslie of Bay Colony Group presented the plan. He stated that the existing home had the septic system relocated to allow the subdivision of the lot. Lot 3 has access and frontage on Ridge Road.

A **motion** to approve the plan since the Board found that Ridge Road is a public way, the new lot created has appropriate frontage on Ridge Road and there is adequate access to the lot was made by Mr. Bressé and seconded by Mr. Greene. The motion carried (4-0-0).

Planner's Report

Historical Commission Grant – Ms. Wason explained that the Historical Commission will be submitting a grant application to fund improvements to Memorial Hall and she would like to write a letter in support of this grant application.

Mill Street Preserve I & II – The bounds on Bristol and Garland have been set but don't meet the Subdivision Rules. The majority of problems is caused by the location of underground utilities and appurtenances, which preclude using iron pins or digging to set granite or concrete bounds. We can either have Norm inspect in the field once the snow's gone or make it clear that the current situation doesn't comply with the regulations and if the neighbors ever wanted to have the road accepted as public, it would need to comply.

Billboard Advisory Committee – the last meeting is scheduled for March 6th in the Boyden Library. Selectman Brue would like to delay submitting the by-law to Town Meeting until a fall Special Town Meeting.

PARC grant – Meeting with neighbors went well, also had a positive discussion with members of the horseshoe league.

Citizen Planning Training Collaborative – Annual conference is on March 15th at Holy Cross, please let us know if you would like to attend.

MAPC – they are hosting a free day-long conference on parking on April 8th.

Town Meeting Articles – Public hearings for Town Meeting warrant articles is scheduled for March 27th. An explanatory letter will be sent to the residents on the proposed roads.

Active subdivisions

Autumn Valley Estates – The Board signed a demand letter to the Walpole Cooperative Bank for the funds to finish the subdivision.

Lincoln Hill Estates - First lot has been sold.

204 East Street – Ms. Wason informed the Board that the developer will be proposing an OSRD and his engineer would like to do an informal presentation to the Board at the next meeting.

Master Plan Update

Mr. Greene informed the Board that he and Mr. Rhoads have been meeting with Ms. McCabe. They are planning to have the downtown strategy finished by April 1st

**7:30 p.m. Public Hearing
Special Permit & Site Plan Review
Cumberland Farms
20 Mechanic Street**

A motion to waive the reading of the public hearing notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4-0-0).

Paul Wilson of Cumberland Farms, Peter Paulousky, Esq. of Doherty, Ciechanowski, Dugan & Cannon, P.C., and Matt Leidner, P.E. of Civil Design Group were present.

Mr. Paulousky stated that they have met with the Board informally and have incorporated changes discussed during the informal process. They have also met with the Zoning Board of Appeals and the special permits requested were granted.

Mr. Leidner showed existing site (aerial photo) proposing to raze building and remove gas tanks. There are residences next door and across the street. He stated that they are requesting a Special Permit to reduce the requirement of onsite parking spaces from 26 to 13 since there are 21 public parking spaces within 500' of the property. He stated that they are proposing improved landscaping and a pedestrian connection from the sidewalk to the building. The driveway locations will be the same but improved. He stated that there's a slight increase in impervious area. The site is within the Downtown Review District and the Design Review Board has reviewed the elevation plans and approved them. Mr. Greene read supplemental comments on the Design Review Board decision. A discussion ensued concerning the "Cumberland Farms" sign on the canopy and the Board requested that it be removed. Mr. Paulousky stated that they would be amenable to remove the signs.

Mr. Leidner discussed lighting, he stated that the original plan was concerning to the Town's consultant due to spillover to residential and a revised plan has been submitted where there's no spillage to residential and a minimal amount to Mechanic Street. He then discussed the type of lighting to be used. Mr. Rhoads asked which lights will stay on all night. Mr. Wilson responded that the wall packs around the perimeter of the building will stay on for safety purpose; any others would be by requirement of public safety officials.

Mr. Leidner discussed stormwater management; he stated that he was asked to change an off-site manhole to a storm-ceptor. He discussed that they looked at the feasibility to connect to the sewer system and the cost was prohibitive, soils have been found to be good, the existing septic system will be replaced. Mr. Rhoads asked what type of materials will be used for underground tanks Mr. Leidner responded that fiberglass will be used adding that the Fire Department will review the tank design. Mr. Rhoads asked where the roof recharge will go. Mr. Leidner responded that the recharge system is designed to retain and infiltrate for the 100 year storm.

Tom Kraus, 9 Baker Street – asked if measurements have been taken for current lighting and expressed concern about possible light spillage. Ms. Wason explained that the decision will include a condition requiring the adjustment of lighting if the Board deems necessary. Mr. Kraus also asked about the location of the vinyl fence. Mr. Leidner responded that the fence will be around the trash enclosure and by the property line with neighbors. Mr. Greene added that the Design Review Board felt that this was appropriate.

Ms. Wason read comments received from the various departments and Boards:

- Deputy Fire Chief had comments concerning the permitting of the gasoline tanks and the fire protection systems, the location of the propane exchange program equipment and the requirement that access to both sides of the building be provided for emergency vehicles.
- Design Review Board Chairman Capece wrote that the Board voted “In Favor” for the project.
- Building Commissioner Casbarra wrote that the applicant need to be reminded of the hours of operation restriction between 12 midnight and 6:00 am and shared concerns from neighbors concerning possible light pollution.
- Conservation Manager Pierce wrote that the applicant’s representative should certify that there are no wetlands on the property.

There were no more comments from the public.

A **motion** to close the public hearing was made by Mr. Greene, seconded by Mr. Rhoads. The motion carried (4:0:0).

Ms. Wason stated that the Board needs to make a determination that the requirement for parking spaces has been met. She requested more landscaping on the residential abutter side, The Board discussed hours of operation and the need to determine if that includes deliveries. Mr. Wilson explained that typical food delivery is once a week, fuel delivery is 2-3 times per week during hours of operation except for exceptional circumstances The Board also discussed the bond amount and agreed that \$2,500 would be sufficient. The Board also discussed the patching of the trench for the drain line and agreed to a condition stating that it needs to meet standards of the Department of Public Works. The Board the discussed the request from the Conservation Manager to certify that there are no wetlands on the property. Mr. Leidner suggested that he could submit a letter as an experienced engineer and can state that no wetlands were noted when inspecting the property. Mr. Leidner explained the landscaping plan. The Board expressed concern about hardiness of arborvitaes and agreed that a condition requiring that plantings be maintained to be in compliance with the site plan.

A **motion** to make the determination that 13 parking spaces exist on site and there are 13 spaces within 500’ of the site was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (5-0-0)

A **motion** to approve the site plan for “Cumberland Farms” as conditioned below was made by Mr. Bressé and seconded by Mr. Greene. The motion carried (5-0-0)

CONDITIONS:

1. The improvements, facilities, amenities, and alternations shown on plans dated September 25, 2013 (last revised January 22, 2014) prepared by Civil Design Group and illumination plans dated December 2, 2013 (last revised February 19, 2014) are incorporated as requirements and conditions of this approval.

2. The applicant shall provide a performance guarantee in the sum of \$ 2,500 to secure the completion of the as-built plan.
3. The applicant shall pay the required inspection fee prior to any site work occurring on the property or the issuance of a building permit.
4. The conditions of this Site Plan Approval shall be added to the final set of approved plans submitted to the Board for signatures. Signature blocks shall be added to plans.
5. The vegetative screening and fencing around the parking lot shall be maintained as long as the Cumberland Farms facility is in operation. Failure to do so will be considered a violation of this approval. In the event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant's failure to cure will be considered a violation of this approval.
6. The drainage system shall be functional (re: soil stabilized, rip-rap installed, basins grassed, etc.) prior to an occupancy permit being issued for the structure. The applicant shall install oil & grease traps in the catch basins.
7. The applicant or successors are required to maintain the drainage system. Catch basins shall be cleaned at least twice yearly, once in the spring and once in the fall. Failure to maintain the drainage system will be considered a violation of this approval. In the event of a maintenance failure, the applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the applicant's failure to cure such deficiency in maintaining the drainage system will be considered a violation of this approval.
8. All Site work must be completed within twelve (12) months of the issuance of a Building Permit.
9. Any proposed change(s) from the approved site plans or additional site work deemed substantive by any Town official shall be presented for review by the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s). Approved revisions shall be illustrated on plans and submitted to the Board.
10. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street the Board reserves the right to require the applicant to adjust the level of lighting, the type of lighting fixtures or the location of individual lights.
11. The trench for the drain line must be properly cut, patched and sealed/infrared or as specified by the Foxborough Department of Public Works. This work shall be completed and approved by the Department of Public Works and the Board's Inspector.
12. As built plans shall be submitted to the Board after construction and prior to the release of the performance guarantee.
13. All construction shown on the site plan must be completed prior to the issuance of an occupancy permit.
14. Pursuant to the Town of Foxborough Police Regulations, hours of operation shall be 6 a.m. to 12 midnight. "Operation" shall include deliveries (excepting those of newspapers) but not include snow plowing and removal and other routine storm- or weather-related activities.
15. The applicants shall provide written comments as to their observations regarding wetlands or other resource areas on site.
16. The applicant shall coordinate with the Fire Department for the permitting of gasoline tanks, pump fire suppression system, internal fire protection systems, etc. , ensure that sufficient access is provided and maintained on both sides of the building for emergency vehicles, and that the Blue Rhino propane equipment location is approved by the department upon project completion.
17. Permit void if not exercised twenty-four (24) months from date of issue.

18. There shall be no signs on the canopy. The proposed green trim line shown on the canopy elevations is, for the purpose of this condition, not considered a sign and the Board has no objections to it.

**8:20 p.m. Public Hearing – Site Plan Review
 35-45 Panas Road
 Red Snapper Realty Trust**

A motion to waive the reading of the public hearing notice was made by Mr. Bressé and seconded by Mr. Greene. The motion carried (4-0-0).

William Buckley, P.E. represented Red Snapper Realty Trust. He stated that he is presenting a site plan for the last piece of Panas Road adding that all existing buildings are leased out. There's an existing home on the rear of the property by the end of Willis Lane. There are existing wetlands which drain towards the north.

Mr. Buckley stated that they are proposing to construct two buildings. One building would be 80,000 sf consisting of four 20,000 sf warehouses. The other building would be 60,000 sf, consisting of one 30,000 sf, and two 15,000 sf warehouses. He discussed utilities: showed the location of onsite septic systems; buildings would have sprinklers; at least two hydrants will be added and will discuss their location with Deputy Fire Chief Bagley; buildings will be served by underground electric and gas lines. Proposed lighting is wallpacks and pole lighting along the driveway. Landscaping is concentrated on the side where it abuts a residence. Stormwater management system consists of 4 ponds, infiltration basin on west, pond 2 on north is detention basin; pond 3 infiltration, pond 4 infiltration. The wetland replication area is on northeast corner. He stated that he would like a statement from the Planning Board to the Conservation Commission that the Board deems that the driveway width (24') is appropriate. Mr. Bressé asked if there are any concerns on snow storage. Mr. Buckley stated that they cannot dump snow into wetlands or detention basins.

A **motion** to continue the hearing to April 24th at 7:30 pm was made by Mr. Greene and seconded by Mr. Rhoads. The motion carried (4:0:0)

A **motion** to determine that 24' is an appropriate width for the use of the site was made by Mr. Bressé and seconded by Mr. Greene. The motion carried (4:0:0)

**8:30 p.m. Public Hearing – Special Permit
 Village Townhomes at Chestnut Green – Phase II
 Douglas A. King Builders**

Due to Mr. Grieder's absence and in light of the hearing being a Special Permit, Mr. Weinfeld requested Mr. Whitehouse to participate in this hearing.

A **motion** to waive the reading of the notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (5-0-0)

Engineer William Buckley of Bay Colony Group, attorney Frank Spillane of Spillane & Spillane, and Sam Schofield of Douglas A. King Builders represented the applicant. Mr. Buckley

explained that this is the final phase of Chestnut Green and is titled Village Townhomes Phase 2. He presented the configuration of the plan in the 2007 approval. He explained that three different developers were involved in the project. The phase of the project presented today was presented by a different developer than Mr. King and deviated from the original plan. During construction of the first phase of townhouses, 3 of the originally planned 5 unit buildings were built, the configuration was then changed to 3 unit buildings as they were more marketable. Tonight's discussion is to complete the project. Mr. Buckley showed ANR plans for the main campus and discussed ownership of lots. He showed the initial plan and the revised plan general concept with new buildings to replace the garage and the power plant buildings. He stated that they needed relief from Zoning Board of Appeals for the 6 unit building; such relief was granted at the February 20, 2014 meeting. He stated that they will create a new lot for the multi-family buildings behind the apartments. He stated that they will need to re-route the water line and discussed upgrading the drain line.

Comments from the public

Brian Burke, 40 Chestnut Street – stated that his house is next to railroad line and is the closest residential abutter to the project. He stated that he is concerned that the building closest to his house is a 6 unit building which is 4 stories tall. He would like to see a consistent townhouse design and the 6 unit building moved over to where the larger massed buildings are.

Ms. Wason noted that the veteran apartments are proposed as 2 bedroom units but they were supposed to be 1 bedroom units. It was noted that the secondary bedroom would be used by a caretaker.

Mr. Spillane explained that they are requesting two separate special permits, one for power plant & garage and a second for the remaining lot.

Mr. Weinfeld asked them to consider relocating the 6 unit building to the area where the chapel is located. Mr. Buckley asked that Mr. Burke provide them with contact information. The Board encouraged the applicant to meet with Mr. Burke.

A **motion** to continue the hearing to March 13, 2014 @ 8:45 p.m. was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (5-0-0)

9:55 p.m. Meeting adjourned.

Respectfully submitted,
Gabriela Jordan

Approved by: Kevin Weinfeld

Date: 5/22/14